

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSE IZQUIERDO and JOHN DOES 1-100, on  
behalf of themselves and others similarly situated,

*Plaintiffs,*

v.

MONDELÉZ INTERNATIONAL, INC.,  
MONDELÉZ GLOBAL, LLC,  
and DOES 1 through 10, inclusive

*Defendants.*

Case No. 1:16-cv-04697-CM

**NOTICE OF MOTION AND MOTION  
TO DISMISS CLASS ACTION  
COMPLAINT, OR, IN THE  
ALTERNATIVE, TO STRIKE  
NATIONWIDE CLASS  
ALLEGATIONS**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law submitted herewith, the undersigned attorneys for Defendants Mondelēz International Inc. and Mondelēz Global, LLC (collectively, “MDLZ”)<sup>1</sup>, shall move this Court, before the Honorable Colleen McMahon, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 24A, New York, New York 10007, at a time set by the Court, for an Order dismissing the Class Action Complaint of Plaintiff Jose Izquierdo (“Plaintiff”) pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), on the ground that the Complaint fails to state a claim upon which relief can be granted, and Federal Rule of Civil Procedure 9(b), on the ground that the Complaint fails to state a claim that sounds in fraud with particularity. In the alternative, MDLZ moves to strike the nationwide class pursuant to Federal Rule of Civil Procedure 12(f).

<sup>1</sup> Plaintiff incorrectly names as Defendant Mondelēz International, Inc., a global holding company. Mondelēz Global LLC is the operating company for MDLZ in the United States and the company that sold, marketed, and distributed the products in issue in the United States.

Dated: August 29, 2016

Respectfully submitted,

JENNER & BLOCK LLP

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